

IN THE CIRCUIT COURT FOR FREDERICK COUNTY, MARYLAND

VICTOR OLDS

PLAINTIFF

VS.

CIVIL NO. 1435E

THE TOWN OF BRUNSWICK

DEFENDANT

* * * * *

POINTS AND AUTHORITIES IN SUPPORT OF
PLAINTIFF'S RENEWED MOTION FOR SUMMARY JUDGMENT

In Mauck v. Bailey, 247 Md. 434, 231 A.2d 685, the evidence showed that a realty company had subdivided certain property into a number of lots and recorded a Plat of the subdivision. Various streets were shown on the Plat. At issue was adverse possession of a portion of land lying within the boundaries of one of the platted streets.

Among issues present in that case was Appellant's claim that the street had been offered for dedication to public use, and that Appellee could not therefore obtain title by adverse possession, prior to rejection or abandonment of the dedication by the public body.

The Court did note that when an owner of land plats his property, on which streets and alleys are laid down and then conveys it in lots shown as bounding on the platted streets and alleys, an intention to dedicate the land lying in the bed of the streets and alleys to public use will be presumed. The Court further noted that where an implied or express offer of dedication is accepted by the public, the dedicated property cannot thereafter be acquired by adverse possession.

However, the Court stated that this rationale does not impede acquisition of property by adverse possession, where the public municipality has never accepted the